

RESOLUTION NO. 71814

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A FUNDING AGREEMENT WITH YERBA BUENA OPCO, INC. FOR THE WORK ASSOCIATED WITH THE PREPARATION OF THE EVERGREEN SMART GROWTH STRATEGY, EVERGREEN AREA DEVELOPMENT POLICY UPDATE AND RELATED ENVIRONMENTAL DOCUMENTS IN AN AMOUNT OF APPROXIMATELY \$8.8 MILLION

WHEREAS, the Evergreen area is generally considered that part of San José within the Urban Growth Boundary east of Highway 101 and south of Story Road; and

WHEREAS, several planning and policy efforts have been completed to guide land use and development in the Evergreen area, which have created momentum for creating a new vision to direct the next increment of major development in Evergreen; and

WHEREAS, although Evergreen has experienced significant housing growth, due to the traffic constraints in Evergreen making it difficult to meet the Citywide Transportation Level of Service Policy, a special traffic policy ("Evergreen Area Development Policy") was adopted by the City Council to allow for a specified amount of development as reflected in the San José 2020 General Plan; and

WHEREAS, two major Evergreen property owners have applied for General Plan amendments to add housing and retail development in the area that require an update to the Evergreen Area Development Policy because the current traffic policy does not accommodate housing growth beyond the existing General Plan; and

WHEREAS, these and other key property owners have funded an initial traffic study that found that new housing could be built in Evergreen and that traffic would generally remain at its current condition if major improvements were made to Highway 101 and Capitol Expressway and if all of the planned jobs in Edenvale and North Coyote Valley were in place; and

WHEREAS, these property owners have now agreed to fund an Evergreen Smart Growth Strategy to create a community-based vision to guide future development in and the character of the Evergreen area, identify potential General Plan land use changes and design guidelines to reflect this vision, determine transportation improvements needed to support the level and type of envisioned development, and identify other community investments needed to reflect the vision; and

WHEREAS, in addition to the Evergreen Smart Growth Strategy, other products would be land use amendments to the General Plan, an update to the Evergreen Area Development Policy and the completion of necessary and related environmental studies and documents; and

WHEREAS, the City desires to negotiate and execute a funding agreement with Yerba Buena Opco, Inc. for the work associated with the preparation of the Evergreen Smart Growth Strategy, Evergreen Area Development Policy update and related environmental documents in an amount of approximately \$8.8 million for a term from November 4, 2003 to June 30, 2005;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

1. The City Manager is hereby authorized to negotiate and execute a funding agreement with Yerba Buena Opco, Inc. for the work associated with the preparation of the Evergreen Smart Growth Strategy, the Evergreen Area Development Policy update and related environmental documents under which Yerba Buena Opco would agree to provide funding in an amount of approximately \$8.8 million for these efforts for a term from November 4, 2003 to June 30, 2005.
2. The Director of Planning, Building and Code Enforcement is hereby authorized to approve minor amendments to the funding agreement to account for increases in the funding received from Yerba Buena Opco, Inc., and minor schedule or task changes and is further authorized to extend the term of the agreement for up to eighteen (18) additional months.

ADOPTED this 4th day of November, 2003, by the following vote:

AYES: CAMPOS, CHAVEZ, CHIRCO, CORTESE, DANDO,
GREGORY, REED, YEAGER; GONZALES

NOES: NONE

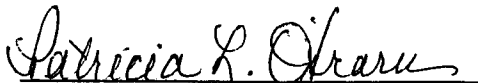
ABSENT: LeZOTTE, WILLIAMS

DISQUALIFIED: NONE



RON GONZALES
Mayor

ATTEST:



PATRICIA L. O' HEARN
City Clerk